

set of digital data corresponding to said unique physical characteristic of said person; and 3) to generate a set of composite digital data based on said first and second sets of digital data.¹

Therefore, based on its plain language, claim 31 is directed to a system having a controller that stores two sets of digital data, each of which corresponds to the same unique physical characteristic of the person, and that generates a set of composite data from those two sets of digital data. A particular embodiment of that process is shown in Fig. 6 of the present application and is described at page 11, line 10 through page 12, line 8.

The recitations noted above relating to the composite digital data are generally similar to the recitations of claims 18 and 19 (which have been cancelled). In rejecting claims 18 and 19, the Office Action cited column 1, lines 22-23 of U.S. Patent No. 5,056,141, which state: "Identification of personnel has traditionally rested on meeting one or more of the following criteria: (1) who they are (a photo, biometric print, etc.)."

It is respectfully submitted that the Dyke patent does not disclose either the storage of two sets of digital data for the same characteristic of a person, as recited in claim 31, or the generation of a composite set of digital data from those data sets, as recited in claim 31. Since there does not appear to be any suggestion in the Dyke patent of such features, it is believed that claim 31 is in condition for allowance.

It is respectfully submitted that the other new independent claims, as well as the dependent claims, are in condition for allowance for the reasons noted above.

¹ It should be noted that a computer that is "programmed" in accordance with a particular computer program is structurally different than a general purpose computer. See, for example, In re Alappat, 31 U.S.P.Q.2d 1545, 1558 (Fed. Cir. 1994), where the Federal Circuit stated: "We have held that such programming creates a new machine, because a general purpose computer in effect becomes a special purpose computer once it is programmed to perform particular functions pursuant to instructions from program software."



Conclusion

In view of the foregoing, it is respectfully submitted that the above application is in condition for allowance. If there is any matter that the Examiner would like to discuss, he is invited to contact the undersigned representative at the telephone number set forth below.

Respectfully submitted,

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Abstract of the Disclosure

A casino gambling system may comprise a plurality of casino gambling units and at least one computer that may include a biometric input apparatus capable of generating digital data representing a unique physical characteristic of a user and a controller operatively coupled to the biometric input apparatus. The controller may be programmed to control access to the computer based upon digital data generated by the biometric input apparatus. The biometric input apparatus may be a camera for generating an image of a person's face, an eye scanner, a fingerprint scanner, or a microphone and a voice digitizer. The gambling units may be programmed to play a game selected from the group of video games consisting of video poker, video blackjack, video slots, video keno and video poker.

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